

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO. 807/2015**

Goa Glass Fibre Ltd.,
a company registered under the
Companies Act, 1956, with its
registered Office at 37/2, Chinar Park,
New Town, Rajarhat Main Road,
P.O. Hatiara, Kolkata and having
its Plant Office at Colvale Industrial Estate,
Mapusa, Bardez, Goa 403513,
represented in this Act by its Director,
P.V.V. Satyanarayana Rao,
son of P. Subba Rao, 53 years of age,
Indian national, residing at CA-03/2,
Sapana Gardens, Chogam Road,
Porvorim, 403 521,
duly authorised by Board Resolution
dated 27th July, 2015.

..... Petitioners.

V/s

1. State of Goa,
through the Secretary of Power
with Office at Secretariat,
Porvorim, Bardez, Goa.

2. Chief Electrical Engineer,
with Office at Electricity Department,
Vidyut Bhavan,
Ansabhat, Mapusa, Goa.

3. Executive Engineer,
Electricity Department,
Works Division 17,
Vidyut Bhavan,
Ansabhat, Mapusa, Goa.

4. Assistant Executive Engineer
Electricity Department,

Works Division 17,
Vidyut Bhavan,
Ansabhat, Mapusa, Goa.

..... Respondents.

Mrr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Braganza,
Advocate for the petitioner.

Mr. A. N. S. Nadkarni, Advocate General with Mr. D. Lawande,
Government Advocate for the respondents.

**CORAM :- F.M. REIS &
K.L. WADANE, JJ.**

Date : - 21 October 2015.

ORAL JUDGMENT : (PER F.M. REIS, J.)

Heard Mr. J. E. Coelho Pereira, learned Senior Counsel
appearing for the petitioner and Mr. A. N. S. Nadkarni, learned
Advocate General appearing for the respondents.

2. Rule. Heard forthwith, with the consent of the learned
Counsel. Learned Counsel appearing for the respondents waives
notice.

3. Upon hearing the learned Counsel appearing for the
respective parties, without examining the contentions raised, on
merits, in the above writ petition, a short point which falls for
consideration is, whether the impugned demand by the respondent

No.3 by a Notice dated 4th June, 2015 stands vitiated for not giving an opportunity to the petitioner of being heard prior to such demand.

4. Mr. A.N.S. Nadkarni, learned Advocate General points out that the petitioner had to be given a hearing before issuing such a demand notice.

5. In such circumstances, keeping the issues raised on merits open, we find it appropriate to direct the respondent No.3 to examine afresh and pass a fresh order on such demand, after hearing the petitioner, in accordance with law. Until such further orders are passed, the respondents shall not act upon the disputed demand notice at Annexure "A" as it will be subject to such fresh orders that may be passed. In case any adverse order is passed against the petitioner, the implementation of such fresh orders shall be deferred by a period of two weeks, from the date of communication of such order. All the contentions of both the parties, on merits, are left open.

5. Rule stands disposed of in the above terms.

K.L. WADANE, J.
ssm.

F.M. REIS, J.